flow, wherein the plate is located downstream of the last blade in the direction of material flow.

61. A method for use with a grinding machine having a downstream direction of material flow along a path and having at least a last blade along the direction of material flow, the machine comprising a plate disposed within the path and located downstream of the last blade, the plate perforated with holes, the plate comprising means storing respective identification data, the method comprising the steps of:

retrieving the respective identification data; and

making a check of whether the plate satisfies predetermined safety standards.

62. The method of claim 61 further comprising the step of putting the machine in operation if the result of the check is positive.

63. The method of claim 61 further comprising the step of not putting the machine in operation if the result of the check is negative.

64. The method of claim 61 wherein the retrieving step further comprises retrieving information indicative of the cumulative operating time and cumulative mechanical stress with respect to the plate, and wherein the checking step further comprises using the operating time and stress information are used to estimate wear thereof, the method further comprising the step of not putting the machine in operation in the event of excessive wear.

REMARKS

This paper responds to the Office Action dated November 6, 2002.

Drawing. The Examiner objects to the drawing, stating that "the safety device as described in

the drawing" is supposedly not shown in the figures.

The Examiner is respectfully requested to review paragraph 33 which says:

> In the present example, this safety device is perforated plate 6 ...

and the Examiner is respectfully requested to review Figs. 1 and 2, each of which expressly shows the perforated plate 6. It is thus apparent that the safety device is shown in the figures, and was shown in the figures in the application as filed. Reconsideration is requested.

Claim rejections as to form. The Examiner expresses the view at paragraph 3, page 3, that "there is nothing shown in any of the drawings to further shed light on what this safety device is specifically composed of." As described above, the Examiner is respectfully requested to review the many places in the specification, including paragraph 33, that provide a reference numeral 6 for the safety device, and to review the figures, every one of which shows the disk 6.

The Examiner also expresses the view at paragraph 3, page 3, that "there appears to be [no] specific structure shown or [described] in the specification that would clarify the composition of this safety device." The Examiner is respectfully requested to review paragraph 33 which says:

> In the present example, this safety device is perforated plate 6, the holes of which have a diameter of 6 mm and which has a thickness of more than 5 mm. The thickness of the perforated plate should not exceed 30 mm.

This is specific structure.

The Examiner also asserts other rejections as to form.

As will be seen, the present Amendment provides new claims 37-64 and the new claims are intended to overcome any rejections as to form.

Claim rejections over a reference. The Examiner has also rejected all claims as supposedly anticipated by a US Pat. No. 5,667,153 to Haack et al. ("Haack"). Yet every examined apparatus claim is specifically limited in that a safety device is provided, and every examined method claim is specifically limited in that a safety device is used. Applicant's attorney has diligently studied Haack and is unable even to find the word "safety" let alone any mention of any safety device.

Some of the claims are specifically limited to particular dimensions, for example one claim is limited in that the safety device is a perforated plate with a hole diameter ≤ 6 mm. Another claim is limited in that the safety device is a perforated plate with a thickness of ≥ 5 mm. Applicant's attorney is unable to find any of these dimension limitations in Haack. Applicant's attorney is likewise unable even to find the words "plate" or "hole" anywhere in Haack.

The Examiner is respectfully requested to point to any place in Haack where any "safety device" is taught or suggested, and to point to any place in Haack where any plates, with or without holes, with or without the dimensions of ≤ 6 mm and ≥ 5 mm, are taught or suggested. If the Examiner cannot point to such a place, the Examiner is respectfully requested to withdraw the rejection over reference Haack.

Reconsideration is requested.

Refund request. On August 2, 2002 applicant requested a refund of an excessive charge of $666 for the total number of claims. Applicant received a return post card evidencing that the Patent Office received the refund request on August 14, 2002. More than five months have passed and applicant has heard nothing in response to the refund request. It is requested that the Patent Office duly consider the refund request.

The application as now amended has five independent claims, and for that reason the enclosed form PTO-2038 is provided in the amount of $168 to cover the two independent claims newly presented that are in excess of three.

The application as now amended has twenty-eight total claims, and as a result of the excessive charge previously mentioned, fifty-seven total claims have been paid for. Thus no additional fees need be paid with respect to the present number of total claims.

Respectfully submitted,

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